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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Mona Lisa Lacy,

No. CV-21-01908-PHX-JAT

10 Plaintiff,

ORDER

11 v.

12 Commissioner of Social Security
13 Administration,

14 Defendant.

15 Pending before the Court is Plaintiff's application to proceed in forma pauperis.
16 (Doc. 2). Plaintiff and her spouse, who reside in Arizona (Doc. 1 at 1), which is a
17 community property state, receive \$6,730.00 per month in income. Additionally, they have
18 \$84,763.99 in cash in their checking account.

19 An affidavit in support of an IFP application is sufficient where it alleges that
20 the affiant cannot pay the court costs and still afford the necessities of
21 life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). The
22 IFP statute does not itself define what constitutes insufficient assets. As this
court has recognized, “[o]ne need not be absolutely destitute to obtain
benefits of the in forma pauperis statute.” *Jefferson v. United States*, 277
F.2d 723, 725 (9th Cir.1960).

23 *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015).

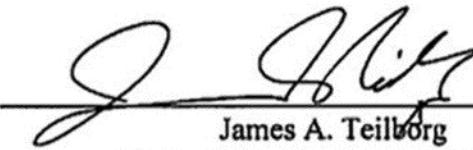
24 In *Escobedo*, the Court of Appeals suggested that only the funds left over after
25 expenses should be considered in determining whether to grant in forma pauperis status.
26 787 F.3d at 1235 (“Once her rent and debt payments were taken into account, she would
27 have had to dedicate the entirety of two-months’ worth of her remaining funds, meaning
28 that she would have to forego eating during those sixty days, to save up to pay the filing

1 fee.”).

2 Unlike *Escobedo*, here Plaintiff has almost \$85,000 in her checking account, so she
3 would not need to save up to pay the filing fee. (Doc. 2). Further, her monthly expenses
4 are \$1,500 less than her monthly income (*id.*), so she could also pay the filing fee out of
5 that surplus. Based on the foregoing, the Court finds Plaintiff does not qualify for in forma
6 pauperis status. Accordingly,

7 **IT IS ORDERED** that Plaintiff’s application to proceed in forma pauperis (Doc. 2)
8 is denied. Plaintiff shall pay the filing fee within 10 days of this Order, or the Clerk of the
9 Court shall dismiss this case (without prejudice) and enter judgment accordingly.

10 Dated this 19th day of November, 2021.

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James A. Teilborg
Senior United States District Judge

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